

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: April 14, 2004

Re: REZONING: 113, 121, 125 Delta Street, I-2, Light Industrial District & B-5, General Business District (Conditional) to B-5, General Business District (Conditional)

I. PETITIONER

Mr. David. N. Blanks, Little Horse, LLC, 725 Church St., Lynchburg, Virginia 24504

Representative: Mr. David N. Blanks & Mr. Bruce Johnson, Little Horse, LLC, 725 Church St., Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of approximately 3.476 acres located at 113, 121, & 125 Delta St.

Property Owner: Benjamin K. & Jimmie R. Cunningham, 3544 Village Highway, Rustburg, VA 24588.

III. PURPOSE

The purpose of the petition is rezone approximately 3.476 acres located at 113, 121 & 125 Delta Street from I-2, Light Industrial District & B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to allow the construction of a hotel.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends a Community Commercial use for the subject property.
- Petition agrees with the Zoning Ordinance in that hotels/motels are a permitted use in a B-5, General Business District.

The Planning Division recommends that the Planning Commission postpones action on the item until a Traffic Study is submitted and reviewed by City Staff.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Community Commercial use for the subject property. Community Commercial areas are intended for retail, personal service, entertainment and restaurant uses that draw from the entire City. Other uses are permitted provided that traffic and other impacts to the community are mitigated.
2. **Zoning.** The subject property was annexed into the City in 1976. The properties located at 113 & 125 Delta St., have been zoned I-2, Light Industrial District since that time. The

property located at 121 Delta St., was rezoned from I-2, Light Industrial District to B-5, General Business District (Conditional) on December 8, 1992 and is subject to the following proffers:

- The site will be used for hardware sales; automobile and truck rental; billboards subject to regulations of Sec. 35.1-26.1; building material sales; contractors establishments; sales lot for construction and farm equipment and similar machinery; small sign shops; storage warehouse and yards for equipment sales/rentals; and other uses permitted as in a B-3, District.
 - The site will be partially fenced for equipment which is unable to be stored inside the building.
 - We [petitioners/owners] propose to renovate the existing building temporarily until a new building is constructed later.
 - We [petitioners/owners] propose to remove the existing fence on the left hand side of the building in order to install the parking lot and to move the fence back for the security of the equipment.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
- The site shall be landscaped in substantial compliance with the Concept Landscape Plan (Sheet L-1).
 - Offsite improvements shall include a cul-de-sac at the terminus of Delta St.
 - The following shall be uses permitted by right:
 1. Hotel/motel
 2. Restaurant
 3. Showroom
 4. Bank and other financial houses
 5. Professional or Government offices
 6. Retail premises and sales
 7. Rental car agency
 - Building elevation and type of construction:
 - a. Building height shall be restricted to a total of six (6) stories above finished grade.
 - b. Building façade (front & sides only) shall be constructed with masonry or concrete treated finish appearance (whether actual or simulated) similar in some fashion to the photo exhibits submitted.
 - Dumpster enclosure and service entrances shall be screened from view with either a landscape berm, screen wall or a combination of both.

- Delta Street right-of-way shall be vacated where it coincides with the subject property and the three (3) parcels shall be combined into one (1).
 - Request a period of up to twelve (12) months following rezoning for removal of all nonconforming vehicles and uses from the project site.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
 5. **Previous Actions.** The following items in the immediate area have required City Council approval:
 - On December 8, 1992 the City Council approved the rezoning petition of George A. & Sue Cox from I-2, Light Industrial District to B-5, General Business District (Conditional) at 121 Delta St.
 - On December 14, 1993 the City Council approved the rezoning petition of Charleston Trading Company from I-2, Light Industrial District to B-5, General Business District (Conditional) at 4009-4013 Wards Rd.
 - On January 26, 1999 the City Council approved the rezoning petition of Faison/Trammel Crow from R-3, Two-Family Residential District, R-4, Multi-Family Residential District, R-5, Multi-Family Residential District and B-5, General Business District to B-5, General Business District (Conditional) at Wards Rd. and Atlanta Ave.
 - On January 26, 1999 the City Council approved the Conditional Use Permit request of Faison/Trammel Crow to allow fill in the flood plain at Wards Rd. and Atlanta Ave.
 6. **Site Description.** The subject property is bounded to the north, south and east by commercial uses and to the west across Norfolk-Southern Railway by an Institutional use (Liberty University).
 7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction of a hotel and associated parking areas.
 8. **Traffic and Parking.** The City Traffic Engineer is concerned that the traffic volume generated from a hotel use will exceed the capacity of Delta St. and will result in unsafe conditions at the intersection of Delta St. and Wards Rd. For these reasons the City Traffic Engineer and the Planning Division have requested that a traffic study be submitted. The petitioner has stated that the traffic study would be available at the Planning Commission meeting. However, this will not allow adequate time for staff to review the submitted information.

Section 35.1-25, Off-street parking and loading, of the Zoning Ordinance requires that one (1) parking space for each guest room and one (1) space for every three (3) employees on duty at any one time. The submitted site plan indicates 135 rooms and 158 parking spaces. Provided that the site is developed in compliance with the submitted site plan there should be adequate off-street parking available.

9. **Stormwater Management.** A stormwater management plan will be required for the building and parking additions because disturbed areas will exceed 1,000 square feet. Storm water management will be addressed by either a surface retention basin or underground detention system.

Impact. The petition proposes to rezone the property from I-2, Light Industrial District and B-5, General Business District (Conditional) to allow the construction of a hotel.

The subject property is located at a major gateway into the City from U.S. Route 460. The *Comprehensive Plan* states that “for each gateway the City should work in partnership with VDOT and property owners to identify opportunities for landscape improvements, entry signs, and potential improvements to surrounding properties, as well as a long-term maintenance plan.” The property is currently being used as a “nonconforming” junkyard. The submitted proffers indicate that all vehicles will be removed within a twelve (12) month period if the property is rezoned. The proffers also adequately address building design and landscaping which should enhance this gateway into the City.

The Planning Division could support the rezoning provided that a traffic study is submitted and necessary improvements are made to insure that the increased traffic volumes will not create a safety hazard at the intersection of Delta St. and Wards Rd.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 23, 2004. Comments (other than the requested traffic study) were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends postponing action on the item until a Traffic Study is submitted and reviewed by City Staff.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, Senior Planner
Mr. J. Lee Newland, Director of Engineering

Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. Robert Dawson, Dawson Ford Garbee & Co., Petitioner

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

4. Photos

(see attached photos)

5. Narrative

(see attached narrative)